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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6963 OF 2014

Waman Barku Mhatre

..Petitioner.

V/s.

The Chief Officer, Kulgaon Badlapur
Municipal Council & Ors.

..Respondents.

Mr.Balkrishna D. Joshi with Virendra Pethe for petitioner.

Mrs.V.S.Gokhale, A.G.P. for respondent Nos.2, 4 & 5.

**CORAM : A.S.OKA AND
A.K. MENON, JJ.**

DATED : 6TH JANUARY, 2015

P.C. :-

1. Heard learned counsel for the petitioner and learned A.G.P. for respondent Nos.2, 4 & 5.

2. This petition is directed against the show cause notice dated 2nd June, 2014. Hence, it is not necessary to entertain the same. However, considering the averments made in the petition and considering the nature of the drastic action which is proposed to be taken under the provisions of section 42 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, a limited

protection deserves to be granted to the petitioner. Learned counsel appearing for the petitioner on instructions states that the State Government has not taken any decision on the impugned show cause notice. Learned A.G.P. states that she has no instructions on this aspect.

3. Accordingly, we dispose of the petition by passing the following order:-

- (i) The order passed on the show cause notice dated 2nd June, 2014 shall be communicated to the petitioner. If the order be adverse to the petitioner, the same shall not be implemented and acted upon for a period of four weeks from the date on which the communication thereof is received by the petitioner;
- (ii) We make it clear that we have not made any adjudication on merits of the show cause notice and all contentions are kept open to be decided by the appropriate authority of the State Government;
- (iii) The petition is disposed of in the above terms;
- (iv) All concerned to act on an authenticated copy of this order.

(A.K.MENON, J.)

(A.S.OKA, J.)